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2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 - - - - -x  
5 MARILYN COLLINS, JENNY HEINZ, ELIZABETH  
6 LAPENNE, EMILOU MACLEAN, ANN SHIRAZI,  
7 ASYA WEISENHAUS, and CHLOE WEISENHAUS,  
8 Plaintiffs,  
-against- Index No.  
15 CV 8815

9  
10 THE CITY OF NEW YORK, NEW YORK CITY  
11 POLICE DEPARTMENT ("NYPD") DEPUTY CHIEF  
12 STEVEN ANGER, NYPD LIEUTENANT MICHAEL  
13 ZIELINSKI, NYPD LIEUTENANT WILLIAM COOKE,  
14 NYPD OFFICER THAMESHWAR SHARMA, SHIELD  
15 NO. 22759, NYPD OFFICER FRANCISCO  
16 DELGADO, SHIELD NO. 20240, NYPD OFFICER  
17 JAMES LOUIE, SHIELD NO. 13986, NYPD  
18 OFFICER CHEUNG LI, SHIELD NO. 05474, NYPD  
19 OFFICER NIKIM WALKER, SHIELD NO. 02320,  
and NYPD OFFICER JOHN MCNAMARA, SHIELD  
NO. 22960,  
Defendants.

17 - - - - -x  
18 100 Church Street  
New York, New York

19  
20 June 3, 2016  
21 1:39 p.m.

22  
23 DEPOSITION of DEPUTY CHIEF  
24 STEVEN ANGER  
25

1 S. ANGER

2 personnel there too.

3 Q. Anything else that you remember  
4 about Zuccotti Park that day?

5 A. No, no.

6 Q. Do you remember when the march  
7 stepped off?

8 A. I remember the march stepping  
9 off -- I don't remember the exact time.

10 Q. What do you remember about the  
11 march, if anything?

12 A. I remember the march going  
13 north on Broadway on the west side of  
14 Broadway on the sidewalk.

15 Q. What else do you remember with  
16 respect to the march?

17 A. Um -- I don't know the number  
18 officers were deployed along the march.

19 Q. What else do you remember with  
20 respect to the march?

21 A. And I followed up later to  
22 Foley Square. I don't remember if it was  
23 immediately after or ten, 15 minutes  
24 later. I don't remember. I think it was  
25 toward or at the end of it or a couple of

1 S. ANGER

2 blocks away; maybe five or ten minutes  
3 later.

4 Q. And Detective Nestor was your  
5 aid that day?

6 A. Yeah.

7 Q. Was Detective Nestor with you  
8 in Zuccotti Park that morning?

9 A. Yes.

10 Q. Did you walk behind the march?

11 A. I believe I might, I can't  
12 remember, right at the very end of it or  
13 like I was a block or two away.

14 Q. Toward the rear as opposed to  
15 toward the front?

16 A. Yeah, I wasn't toward the front  
17 at all.

18 Q. Is there anything else that you  
19 remember about the march before it got to  
20 the Foley Square area?

21 A. No.

22 Q. Do you remember from which  
23 direction you, yourself, approached the  
24 Foley Square area?

25 A. I don't remember if I came

1 S. ANGER

2 arrived?

3 A. Yes.

4 Q. Were there more than 50 police  
5 officers present when you first arrived?

6 A. Possibly.

7 Q. What day of the week was  
8 November 5th, 2011?

9 A. I think it was a Saturday.

10 Q. Was the courthouse at 60 Center  
11 Street open?

12 A. I don't know.

13 Q. How many demonstrations had you  
14 been involved in policing in the area of  
15 the courthouse at 60 Center Street prior  
16 to November 5th, 2011?

17 A. I don't know the number, but  
18 quite a few.

19 Q. Prior to November 5th, 2011,  
20 were there metal barricades at the bottom  
21 of the steps at 60 Center Street?

22 A. Say that again.

23 Q. Prior to November 5th, 2011,  
24 were there metal barricades at the bottom  
25 of the steps at 60 Center Street?

1 S. ANGER

2 A. I was concerned there might be  
3 a rush -- a push of people against the  
4 officers that were that holding the mesh  
5 and go back up there. There was a lot of  
6 chanting going on saying something to the  
7 effect of rush the building, take the  
8 building.

9 Q. When you watched the videos  
10 that are listed in Plaintiffs' Exhibit  
11 exhibit Anger 2 --

12 A. Uh-huh, yeah.

13 Q. -- did you hear anyone say rush  
14 the building at any point in time?

15 A. I believe there was something  
16 to that effect. I don't know the exact  
17 words.

18 Q. Do you remember hearing on the  
19 video, we want the steps?

20 A. That might be, yes.

21 Q. Is that what you were referring  
22 to?

23 A. That was part of it, I believe  
24 this was other. I don't know the exact  
25 words being said, something was either

1 S. ANGER

2 take the steps or take the building.

3 Q. Did you see or hear anyone  
4 saying those things on any of the videos  
5 that you watched?

6 A. Yes.

7 Q. What did you hear them saying?

8 A. I believe it's take the steps.  
9 I don't remember about taking the  
10 building. There was words similar to  
11 that. I don't remember exactly.

12 Q. Which videos did you hear that  
13 on?

14 A. I don't know which it was on.

15 Q. So you said rush the building  
16 and take the building, is there anything  
17 else that you remember --

18 MR. OLIVER: Withdrawn.

19 Q. Do you actually sitting here  
20 today remember hearing anyone say rush  
21 the building on November 5th, 2011?

22 A. Those exact words?

23 Q. Yes.

24 A. I don't remember. I don't  
25 remember.

1 S. ANGER

2 Q. Sitting here today, do you  
3 remember anyone saying the exact words  
4 take the steps on November 5th, 2011?

5 A. I believe there was one, yes,  
6 in one of the videos that we saw too, I  
7 believe.

8 MR. OLIVER: I'm going to ask  
9 the Defendants to identify that  
10 portion of the video when we are done  
11 with the questioning.

12 The only other option I have is  
13 to play all of the videos for the  
14 Chief. I would if I have to.

15 I have watched all of the  
16 videos. I will represent there is no  
17 video I'm aware of where anybody says  
18 take the steps, rush the building,  
19 take the building, or anything other  
20 than we want the steps.

21 So you can consider that a  
22 supplemental interrogatory to identify  
23 by timestamp any portion of any video  
24 in which any person says rush the  
25 building, take the building, or take

1 S. ANGER

2 the steps.

3 MS. ROBINSON: I think I heard  
4 him testify words to that effect, is  
5 what I thought him testify to.

6 MR. OLIVER: I'm sure his  
7 testimony will speak for itself. I  
8 will do more questioning if it will  
9 help clarify.

10 Q. Do you remember sitting here  
11 today anyone saying or chanting take the  
12 steps on November 5th, 2011?

13 A. Say that one more time.

14 Q. Sure.

15 Do you remember sitting here  
16 today anyone saying or chanting take the  
17 steps on November 5th, 2011?

18 A. Yes.

19 Q. And who chanted take the steps  
20 on November 5th, 2011?

21 A. I don't know who said it.

22 Q. How many people said take the  
23 steps on November 5th, 2011?

24 A. There was a number of people  
25 chanting.



1 S. ANGER

2 Q. There were a number of people  
3 chanting take the steps on November 5th,  
4 2011?

5 A. I believe so, yes.

6 Q. How many people did you hear  
7 say take the building on November 5th,  
8 2011?

9 A. There I didn't say exact, I  
10 said when they were chanting, they were  
11 chanting things of that nature or  
12 something similar to that.

13 Q. Is it possible what you are  
14 remember is people chanting we want the  
15 steps?

16 A. I believe they were saying  
17 that. I believe there was other things  
18 being said. I don't remember exactly  
19 those words.

20 Q. Earlier you testified that you  
21 remembered hearing people saying take the  
22 steps on the video that you watched; is  
23 that true?

24 A. I believe I said that it was on  
25 the video, yes.

1 S. ANGER

2 MR. OLIVER: I'm renewing my  
3 identification interrogatory that the  
4 chief identify by timestamp the  
5 portion of the video in which a person  
6 says take the steps.

7 MS. ROBINSON: Off the record  
8 for a second.

9 MR. OLIVER: Yes.

10 [Discussion held off the  
11 record.]

12 Q. Did you take any steps to  
13 address your concern there might be a  
14 push or a rush of the steps?

15 A. We got additional officers  
16 along that line because there was some  
17 pushing, shoving going on from the  
18 demonstrators at the officers.

19 Q. Anything else?

20 A. I don't recall right now.

21 Q. What is the next thing that you  
22 remember happening that day?

23 A. I remember along the line there  
24 was an arrest made for a woman that was  
25 kicking officers and their legs that was

1 S. ANGER

2 stairs at 60 Center Street, was there  
3 other orange mesh deployed at that  
4 location on that date?

5 A. I don't remember.

6 MR. OLIVER: We will watch it on  
7 the video.

8 Q. What is the next thing that you  
9 remember happening that day?

10 A. After making announcements for  
11 people to clear the sidewalk, some people  
12 left. Other people did not leave, and  
13 some of them were arrested.

14 Q. Did you, yourself, direct that  
15 the sidewalk be cleared?

16 A. Yes.

17 Q. Why?

18 A. 'Cause it was being obstructed  
19 and people had to walk in the roadway.  
20 It was a safety issue there.

21 Two, people were chanting about  
22 the courthouse. I was concerned about  
23 the courthouse too.

24 Q. Have you already articulated to  
25 me all of your concerns about the

1 S. ANGER

2 courthouse?

3 A. The safety of the courthouse,  
4 the operation of it. I don't know. Some  
5 courthouses do work on the weekends.  
6 ADAs do go there so I'm concerned about  
7 everybody's safety in the halls of  
8 justice to keep that maintained.

9 I was concerned about the  
10 safety there and the safety of people  
11 walking in the area.

12 Q. What led you to be concerned  
13 about people walking into the area?

14 A. They were walking in the  
15 roadway, there was traffic trying to go  
16 by.

17 Q. Did you post police officers to  
18 direct pedestrian traffic so that  
19 wouldn't happen?

20 A. I don't recall.

21 Q. Was it your intention to  
22 prevent pedestrians from occupying the  
23 sidewalk on Center Street between Pearl  
24 Street and Worth Street?

25 MS. ROBINSON: Objection to

1 S. ANGER

2 form.

3 You can answer.

4 A. You have to repeat that.

5 Q. Was it your intention to  
6 prevent pedestrians from occupying the  
7 sidewalk on Center Street between Pearl  
8 Street and Worth Street?

9 A. Not pedestrians walking,  
10 demonstrators were there.

11 Q. Was it your intention to  
12 prevent demonstrators from being in that  
13 area?

14 A. No.

15 Q. So when you directed officers  
16 to make announcements, did you intend to  
17 clear that sidewalk?

18 A. To clear the sidewalk of all  
19 people in that area.

20 Q. All people?

21 A. Yeah.

22 Q. In that area?

23 A. Uh-huh.

24 Q. Except for police officers,  
25 right?

1 S. ANGER

2 A. Yes.

3 Q. So you essentially shut down  
4 that area of the sidewalk; is that fair  
5 to say?

6 A. At a point, yes.

7 Q. Temporarily, right?

8 A. It was temporarily when arrests  
9 were going to be made and they refused to  
10 leave the sidewalk.

11 Q. After announcements were made  
12 when arrests were going to be made, that  
13 is when you intended that area of  
14 sidewalk to be shut down to nonpolice  
15 personnel?

16 A. It was mainly left up to the  
17 arresting unit to do that.

18 Q. To do what?

19 A. To protect themselves to shut  
20 down that area to make arrests for safety  
21 reasons for the officers.

22 Q. What is the next thing that you  
23 remember happening that day?

24 A. Some arrests were made. I  
25 don't know the exact number of people